

JOHN J. SANSONE, County Counsel (State Bar No. 103060)  
County of San Diego  
By MORRIS G. HILL, Senior Deputy (State Bar No. 97621)  
1600 Pacific Highway, Room 355  
San Diego, California 92101-2469  
Telephone: (619) 531-4877; Fax: (619) 531-6005  
E-mail: morris.hill@sdcounty.ca.gov

Attorneys for Defendant County of San Diego

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

JIM MAXWELL and KAY MAXWELL,  
individually and as guardians of TREVER  
ALLEN BRUCE and KELTEN TANNER  
BRUCE; and JIM MAXWELL, as  
executor of the ESTATE OF KRISTIN  
MARIE MAXWELL-BRUCE,

Plaintiffs,

v.

COUNTY OF SAN DIEGO; ALPINE  
FIRE PROTECTION DISTRICT;  
VIEJAS FIRE DEPARTMENT; DEPUTY  
LOWELL BRYAN "SAM" BRUCE;  
Does 1-50,

Defendants.

No. 07-cv-2385-JAH(WMc)

NOTICE OF LODGMENT COMBINED  
WITH REQUEST FOR JUDICIAL  
NOTICE

Date: February 19, 2008

Time: 2:30 p.m.

Dept.: Courtroom of the  
Honorable John A. Houston

Trial Date: None

Defendant County of San Diego hereby lodges copies of the following exhibit  
insupport of its motion to dismiss the first, second, third and fourth causes of action of  
plaintiffs' complaint and certain claims in the eighth and ninth causes of action, and for a  
more definite statement as to other claims in the eighth and ninth causes of action, and  
requests judicial notice thereof, as follows:

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1 Exhibit "A" Plea of Guilty/No Contest - Felony, filed August 14, 2007  
2 (certified copy).

3 DATED: January 10, 2008 JOHN J. SANSONE, County Counsel

4 By: s/ MORRIS G. HILL, Senior Deputy  
5 Attorneys for Defendant County of San Diego  
6 E-mail: morris.hill@sdcounty.ca.gov  
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# EXHIBIT “A”

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO		For Court Use Only AUG 14 2007
PEOPLE vs <u>Lowell Bryan Bruce</u>	Defendant	By: A. NARDUCCI, Deputy
PLEA OF GUILTY/NO CONTEST - FELONY		Court Number: <u>5LE267176</u>
		DA Number: <u>MAP494</u>

I, the defendant in the above-entitled case, in support of my plea of Guilty/No Contest, personally declare as follows:

1. Of those charges now filed against me in this case, I plead Guilty to the following offenses and admit the enhancements, allegations and prior convictions as follows: ☒

COUNT	CHARGE	ENHANCEMENT/ALLEGATION
<u>ONE</u>	<u>Penal Code 192(a)</u>	<u>Penal Code 12022.5(a)</u>

PRIORS: (LIST ALLEGATION SECTION, CONVICTION DATE, COUNTY, CASE NUMBER, AND CHARGE)

2. I have not been induced to enter this plea by any promise or representation of any kind, except: (State any agreement with the District Attorney.)

No Agreement from the District Attorney

3. I am entering my plea freely and voluntarily, without fear or threat to me or anyone closely related to me. ☒
4. I understand that a plea of No Contest is the same as a plea of Guilty for all purposes. ☒
5. I am sober and my judgment is not impaired. I have not consumed any drug, alcohol or narcotic within the past 24 hours. ☒

### CONSTITUTIONAL RIGHTS

- 6a. I understand that I have the right to be represented by a lawyer at all stages of the proceedings. I can hire my own lawyer or the Court will appoint a lawyer for me if I cannot afford one. ☒

I understand that as to all charges, allegations and prior convictions filed against me, and as to any facts that may be used to increase my sentence, now or in the future, I also have the following constitutional rights, which I now give up to enter my plea of guilty/no contest:

- 6b. I have the right to a speedy and public trial by jury. I now give up this right. ☒

- 6c. I have the right to confront and cross-examine all the witnesses against me. I now give up this right. ☒

- 6d. I have the right to remain silent (unless I choose to testify on my own behalf). I now give up this right. ☒

- 6e. I have the right to present evidence in my behalf and to have the court subpoena my witnesses at no cost to me. I now give up this right. ☒

# EXHIBIT A







Defendant:

Lowell BRUCE

CASE NUMBER:

JCE 267176

## CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

- 7a. I understand that I may receive this maximum punishment as a result of my plea: 21 years in State Prison, \$ 10,000 fine and 4 years parole (4, 7, 14, life) with return to prison for every parole violation. If I am not sentenced to prison I may receive probation for a period up to 5 years or the maximum prison term, whichever is greater. As conditions of probation I may be given up to a year in jail custody, plus the fine, and any other conditions deemed reasonable by the Court. I understand that if I violate any condition of probation I can be sent to State Prison for the maximum term as stated above. 
- 7b. I understand that I must pay a restitution fine (\$200 - \$10,000), that I will also be subject to a suspended fine in the same amount, and that I must pay full restitution to all victims. 
- 7c. I understand that my conviction in this case will be a serious/violent felony ("strike") resulting in mandatory denial of probation and substantially increased penalties in any future felony case. 
- 7d. I understand that if I am not a U.S. citizen, this plea of Guilty/No Contest may result in my removal/deportation, exclusion from admission to the U.S. and denial of naturalization. Additionally, if this plea is to an "Aggravated Felony" listed on the back of this form, then I **will** be deported, excluded from admission to the U.S., and denied naturalization. 
- 7e. I understand that my plea of Guilty or No Contest in this case could result in revocation of my probation or parole in other cases, and consecutive sentences. 
- 7f. My attorney has explained to me that other possible consequences of this plea may be:  
(Circle applicable consequences.) 

- (1) Consecutive sentences  
(2) Loss of driving privileges  
(3) Commitment to Youth Authority  
(4) Registration as an arson / sex / narcotic / gang offender






- (5) Cannot possess firearms or ammunition  
(6) Blood test and saliva sample

- (7) Priorable (increased punishment for future offenses)  
(8) Prison prior  
(9) Mandatory prison  
(10) Presumptive prison  
(11) Sexually Violent Predator Law  
(12) Possible/Mandatory hormone suppression treatment

- (13) Reduced conduct credits  
a. Violent Felony (No credit or max. 15%)  
b. Prior Strike(s) (No credit to max. 20%)  
c. Murder on/after 6/3/98 (No credit)  
(14) Loss of public assistance  
(15) AIDS education program  
(16) Other: \_\_\_\_\_



## OTHER WAIVERS

8. **(Appeal Rights)** I give up my right to appeal the following: 1) denial of my 1538.5 motion, 2) issues related to strike priors (under PC sections 667(b)-(i) and 1170.12), and 3) any sentence stipulated herein. 
9. **(Harvey Waiver)** The sentencing judge may consider my prior criminal history and the entire factual background of the case, including any unfilled, dismissed or stricken charges or allegations or cases when granting probation, ordering restitution or imposing sentence. 
10. **(Blakely Waiver)** Except where a prison term has been set by stipulation of the parties, I agree that the sentencing judge may determine the existence or non-existence of any aggravating facts which may be used to increase my sentence on any count or allegation above the middle term, either at the initial sentencing or at any future sentencing in the event my probation is revoked. 
11. **(Arbuckle Waiver)** I give up my right to be sentenced by the judge who accepts this plea. 
12. **(Probation Report)** I give up my right to a full probation report before sentencing. 

Defendant:

Lowell BRUCE

CASE NUMBER:

SCE 267176

13. (Evidence Disposal Waiver) I give up my interest in all non-biological property/evidence impounded during the investigation of this case except all personal property and acknowledge that if I listed any property here, I must also file a claim with the impounding agency within 60 days after pronouncement of judgment or my ability to make a claim will expire. JAB

## PLEA

14. I now plead Guilty/No Contest and admit the charges, convictions and allegations described in paragraph #1, above. I admit that on the dates charged, I: (Describe facts as to each charge and allegation)

I shot and killed my wife which resulted in her death. My actions were not premeditated or deliberate. I acted out of passion and without malice. JAB

15. I declare under penalty of perjury that I have read, understood, and initialed each item above and any attached addendum, and everything on the form and any attached addendum is true and correct. JAB

Dated: 8/14/07

Defendant's Signature Lowell Bryan Bruce

Defendant's Address:

Street

City

State

Zip

Telephone Number: ( )

Defendant's Right Thumb Print

## ATTORNEY'S STATEMENT

I, the attorney for the defendant in the above-entitled case, personally read and explained to the defendant the entire contents of this plea form and any addendum thereto. I discussed all charges and possible defenses with the defendant, and the consequences of this plea, including any immigration consequences. I personally observed the defendant fill in and initial each item, or read and initial each item to acknowledge his/her understanding and waivers. I observed the defendant date and sign this form and any addendum. I concur in the defendant's plea and waiver of constitutional rights.

Dated: 8.14.07

Jesse K. Dardwin + Henry Collier

(Print Name)

Attorney for Defendant

(Circle one: PD / APD / PCC / RETAINED)

(Signature)

## INTERPRETER'S STATEMENT (If Applicable)

I, the sworn language interpreter in this proceeding, truly translated for the defendant the entire contents of this form and any attached addendum. The defendant indicated understanding of the contents of this form and any addendum and then initialed and signed the form and any addendum.

Dated:

(Print Name)

Court Interpreter

(Signature)

## PROSECUTOR'S STATEMENT

The People of the State of California, plaintiff, by its attorney, the District Attorney for the County of San Diego, concurs with the defendant's plea of Guilty/No Contest as set forth above.

Dated:

(Print Name)

Deputy District Attorney

(Signature)

## COURT'S FINDING AND ORDER

The Court, having questioned the defendant and defendant's attorney concerning the defendant's plea of Guilty/No Contest and admissions of the prior convictions and allegations, if any, finds that: The defendant understands and voluntarily and intelligently waives his/her constitutional rights; the defendant's plea and admissions are freely and voluntarily made; the defendant understands the nature of the charges and the consequences of the plea and admissions; and there is a factual basis for same. The Court accepts the defendant's plea and admissions, and the defendant is convicted thereby.

Dated: 8/14/07

Judge of the Superior Court

The foregoing instrument is a full, true, and correct copy of the original on file in this office.

Attest: \_\_\_\_\_

1/8/08

Clerk of the Superior Court of the State of California,  
in and for the County of San Diego.

**EXHIBIT A**

By Angela Narducci Deputy  
Angela Narducci